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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,001

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Gi Hyeong Do

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EXAMINER

PERRIN, JOSEPH L

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

12/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,001	<b>Applicant(s)</b> DO ET AL.	
	<b>Examiner</b> Joseph L. Perrin	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060213; 20090415</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, claims 1-13, in the reply filed on 14 September 2009 is acknowledged. The traversal is on the ground(s) that the Examiner has not met the required burden of showing that the groups are independent and distinct, citing MPEP 802.01. The Applicant also argues that "the Examiner has not provided separate classifications for the two groups to indicate why the inventions are "distinct" form one another". This is not found persuasive because Applicant's arguments are directed to restriction under U.S. practice, whereas the instant claims of this National Stage application and restriction requirement fall under PCT practice. Since Applicant failed to provide any showing or evidence to refute the lack of unity in the restriction requirement, as required under PCT rules, the restriction of this National Stage application in accordance with PCT Rule 13.1/13.2 and 37 CFR 1.499 is maintained for reasons of record.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 14 September 2009.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the recitation of “repeatedly supplying washing water...” is considered indefinite because it is unclear what the Applicant intends. Is the supplying step repeated? How can the full supply of water be repeated without any removal of the water from the first supply step? Clarification and correction of how many water supplying steps are involved and how they are performed in the claimed method is required. The Examiner notes that the claims appear to either omit other required steps or applying incorrect grammar in the “repeatedly supplying” step (note the original application is based on a foreign filing), and the claims should be corrected accordingly. Regarding claim 2, it is unclear what is meant by “all the step of supplying”. Is *the* step attempted to be claimed as multiple steps? Regarding claim 6, it is unclear how the circulating of water can occur between three locations (i.e. “between the tub *and* the inside of the tub *and* a drum”) since an occurrence “between” objects connotes two objects. Regarding claim 7, the claim recites a new step of “initial supply of washing water” but refers to the newly introduced step as being “in the step of supplying washing water”. Since *the* step of supplying washing water is singular as claimed, it is unclear how the new step of “initial supply” can be in the singularly claimed step (the claim will be examined as the initial supply step being the supply step,

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however, correction is still required). Applicant is urged to particularly point out and claim their invention with respect to the supply step or steps to clearly define their invention as it is unclear what step or steps are claimed and what other steps are required to perform the claimed method.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10 and 12-13 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,791,691 to FUKUZAWA et al. ("FUKUZAWA"). Regarding claim 1, FUKUZAWA discloses a method for controlling a washing machine comprising when the cloths 34 are put into a washing tub 8, the amount of liquid is adjusted according to the weight of the clothes by a pressure switch, the corresponding amount of washing liquid is added automatically into the washing machine (reads on sensing a laundry amount of the application and repetitively supplying the washing water to the tub of the washing machine according to the weight of the sensed laundry as claimed), an agitator 11 is rotated, at that time, a suction pump 18 begins to operate so as to sprinkle the washing liquid on the clothes 34 from the sprinkling port 21, thereby sufficiently impregnating the clothes with the washing liquid (readable on circulating the washing water for a predetermined time period for wetting the laundry, wherein the step of

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circulating is performed only once). See entire document, for instance, Figures 1-2 and relative associated text, particularly col. 2, line 55 *et seq.* Regarding claim 2, the “circulating” step of FUKUZAWA is performed after the supplying step. Regarding claim 3, FUKUZAWA further discloses that when the cloths 34 are put into the washing tub 8, the amount of liquid is adjusted according to the weight of the cloths by the pressure switch, and the corresponding amount of washing liquid is added automatically into the washing machine (reads on determining a washing water amount prior to the supplying step). Regarding claims 4-5, the determination of amount of water to be supplied and setting the water supply controls via a timer 1 (note that supplying the water inherently/implicitly applies a time period for the supply and that setting the water supply by time, volume, flow rate, etc. are all standard and conventional means for supplying water in the art and do not serve to patentably distinguish). Regarding claim 6, the circulating of the washing water in the tub inherently/implicitly includes circulating *all* the water including the water at the tub, inside the tub, and at the drum. Regarding claim 7, as noted above the circulating step occurs after the supply step (particularly after the *initial* supply step). Regarding claims 8 and 9, as noted above the determining of washing water quantity occurs before the water is supplied and inherently/implicitly includes setting by a time period (standard and common knowledge in the art). Regarding claim 10, the pressure switch is used to set the water level reached on the initial supply step. Regarding claims 12-13, FUKUZAWA further discloses rotating the drum after supplying the water (see col. 4, lines 12-16) and applying projections 33 extending from the inner wall surface of the drum for “stirring or agitating the clothes 34”

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(the active stirring/agitating step being readable on rotating the drum during the washing/circulating step. Accordingly, recitation of FUKUZAWA reads on the method as claimed.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over FUKUZAWA. FUKUZAWA, *supra*, discloses the claimed invention including rotating the drum and supplying washing water. However, FUKUZAWA does not expressly disclose rotating the drum in the middle of supplying washing water. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art. Simply stated, the steps of rotating the drum and supplying washing water are old and well known as standard steps in washing methods, and disclosed by FUKUZAWA. Absent evidence of unexpected results or a showing of unpredictability, applying the known techniques in a different order, for instance, rotating the drum while supplying washing water as claimed, would have been *prima facie* obvious as it would appear to produce the same predictable result of supplying washing water and circulating/agitating clothes to effect washing.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 8:00-4:30.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Perrin/  
Joseph L. Perrin  
Primary Examiner  
Art Unit 1792

JLP